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Donnelly v. Eastes, 94 Wis. 390, 69 N. W. 157; *Birmingham v. Lesan*, 77 Me. 494, 1 Atl. 151.

FRANCHISES — RIGHT TO ENJOIN COMPETITOR ILLEGALLY DOING BUSINESS WITHOUT A LICENSE. — Bill to enjoin defendant from operating a jitney-bus line in competition with complainant on ground that defendant's franchise was invalid because not signed by the mayor. *Held*, that the complainant is entitled to a perpetual injunction. *Memphis Street Ry. Co. v. Transit Co. et al.*, 198 S. W. 890 (Tenn.).

A franchise confers privileges which are exclusive in their nature against all persons upon whom similar rights have not been conferred. *Elizabethtown Gas Light Co. v. Green*, 46 N. J. Eq. 118, 18 Atl. 844, 846. The rights are essentially in all respects property. *City of Louisville v. Cumberland Telephone & Telegraph Co.*, 224 U. S. 649; *City of Morristown v. East Tenn. Telephone Co.*, 115 Fed. 304. Any person attempting to exercise such rights without legislative sanction invades the private property rights of one holding a valid franchise and may be restrained at the instance of the owner. *Bartlesville Electric Light & Power Co. v. Bartlesville Interurban Ry. Co.*, 26 Okla. 453, 109 Pac. 228; *Millville Gas Light Co. v. Vineland Light & Power Co.*, 72 N. J. Eq. 305, 65 Atl. 504. In a few jurisdictions the courts have proceeded on the ground that the complainant seeks to prevent competition with it, and have refused to grant an injunction. *Coffeyville Gas Co. v. Citizens Natural Gas Co.*, 55 Kan. 173, 40 Pac. 326; *Market R. Co. v. Central R. Co.*, 51 Cal. 583. Whether competition is so desirable as to justify this refusal of protection to a property right is questionable. Text-writers do not favor the doctrine. See DILLON, MUNICIPAL CORPORATIONS, § 1244.

INSANE PERSONS — GUARDIANSHIP AND PROTECTION — RIGHT OF GUARDIAN OF INSANE WIDOW TO DISSENT FROM WILL. — By statute a widow may elect whether to take under her husband's will or by descent (1903, ME. REV. STAT. c. 77, § 13). The guardian of an insane widow petitioned the probate court to be allowed to elect against the will. *Held*, that neither the guardian nor the court could exercise the widow's right for her. *Clark v. Boston Safe Deposit & Trust Co.*, 102 Atl. 289 (Me.).

A widow's right of election, being personal, does not survive to her heirs or personal representatives. *Donald v. Portis*, 42 Ala. 29; *Welch v. Anderson*, 28 Mo. 293. A few jurisdictions hold in accord with the principal case that if the widow is incompetent the right is defeated. *Crenshaw v. Carpenter*, 69 Ala. 572; *Lewis v. Lewis*, 29 N. C. 72. But the great weight of authority is that if the widow is incompetent the right may be exercised by a court of equity or by the guardian under the supervision of some court. *Penhallow v. Kimball*, 61 N. H. 596; *Kennedy v. Johnston*, 65 Pa. 451; *In re Andrews' Estate*, 92 Mich. 449, 52 N. W. 743; *Trower v. Spady*, 117 Va. 173, 83 S. E. 1049. See PAGE, WILLS, 719. This result has been generally reached by judicial decision, but in a few states it has been enacted by statute. See 1910, OHIO GEN. CODE, § 19574; 1908, N. C. REV. CODE, § 3080; MO. REV. STAT. § 355. The court in making its election leans toward the will. *In re Bringham*, 250 Pa. 9, 95 Atl. 320. But it considers the interests of the incompetent party and no one else. *Spruance v. Darlington*, 7 Del. Eq. 111, 30 Atl. 663. The decision of the principal case seems to be an example of the hostility of many courts toward statute law.

INTERNATIONAL LAW — LEGATIONS AND DIPLOMATIC AGENTS — IMMUNITY OF DIPLOMATIC AGENTS FROM SUITS: EXTENT OF WAIVER. — The defendant, an accredited minister of a foreign sovereign, having waived his diplomatic immunity, was surcharged with a sum of money upon his accounts in ad-